

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT,

Plaintiff(s),

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, et al.,

Defendant(s).

CASE NO. C23-1127-KKE

ORDER CONTINUING CASE
DEADLINES

This matter comes before the Court on Defendants' status report requesting relief from a production deadline previously set by the Court. *See* Dkt. No. 14.

This case was filed in July 2023, after Plaintiff's May 2023 requests for document, audio, and video production under the Freedom of Information Act had gone unanswered by Defendants. *See* Dkt. No. 1. In November 2023, in response to a scheduling dispute identified in the parties' joint status report (Dkt. No. 9), the Court held a conference to discuss case scheduling. At the conference, Defendants asserted that they needed additional time to respond due to the tedious nature of the video redaction process. Acknowledging these concerns, the Court gave Defendants significant additional time, and ordered Defendants to produce all responsive records as soon as possible, on a rolling basis, and to complete their production no later than January 31, 2024. Dkt. No. 12.

1 On the eve of that deadline, Defendants requested additional time to comply with the video
2 production deadline, citing the technological burdens of compliance and miscommunications that
3 led to a failure to prioritize these particular responses. *See* Dkt. No. 14. The Court ordered the
4 parties to appear at a status conference on February 6, 2024, where Defendants admitted that they
5 only began working on processing the responsive video files in earnest in the past two weeks,
6 notwithstanding the Court's November 16, 2023 order to complete the production in its entirety
7 by January 31. While the Court recognizes that Defendants will now need to devote additional
8 resources to responding to Plaintiff's requests, Defendants have only themselves to blame for any
9 burdens occasioned by their delay.

10 At the February 6 status conference, the parties agreed to meet and confer on the issue of
11 prioritizing and/or tailoring the video production requests.¹ The parties filed a joint status report
12 on February 7, 2024, informing the Court that they had identified 98 minutes of video from non-
13 stationary cameras that Plaintiff requests be produced on an expedited schedule. Dkt. No. 20 at
14 1–4. Plaintiff requests that the Court order that this high-priority video be produced by February
15 14, 2024, and that the remaining video be produced by March 1, 2024. *Id.* Defendants request
16 that the Court order that the high-priority video be produced by February 16, 2024, and that the
17 parties file a joint status report on February 20, 2024, to address a schedule for the remaining
18 production and update the Court as to efforts made to tailor the requests. *Id.*

19 In light of the above, and based on the representations made at the status conference as to
20 Defendants' technological and personnel capacity, the Court ORDERS Defendants to produce the
21 high-priority video no later than February 16, 2024, and the remaining video by March 8, 2024.
22 Any further extension of these production deadlines should not be expected.

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¹ The Court commends the parties' efforts in this regard.

1 The parties are further ORDERED to file a joint status report no later than March 29, 2024,
2 to propose a briefing schedule required for any motions related to Defendants' production and/or
3 address whether any issues remain for the Court to resolve.

4 Dated this 8th day of February, 2024.

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7 Kymberly K. Evanson
8 United States District Judge
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